

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JAVIER H. NOVAS, :  
Plaintiff :  
vs. : CIVIL NO. 1:07-CV-0963  
: (Judge Caldwell)  
JANINE DONATE, Warden; :  
BARBARA FOX; : (Magistrate Judge Mannion)  
TIMOTHY BETTI, :  
Associate Warden; and :  
CAPTAIN CHIARELLI, :  
Defendants :

## O R D E R

AND NOW, this 15th day of November, 2007, upon consideration of the Report and Recommendation of Magistrate Judge Mannion, filed October 22, 2007, and upon consideration of the record, it is ordered that the Report (doc. 27) is approved. It is further Ordered in accordance with the recommendation that plaintiff's complaint is dismissed for failure to comply with Fed. R. Civ. P. 41(b).

The Clerk of Court shall close this file.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge